

REMARKS

In Response to the Office Action, Claims 1, 11 and 14 are amended. Claims 3, 5 and 7 were previously cancelled. Claims 1, 2, 4, 6 and 8-14 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

I. Objection to the Drawings

FIG. 2 is objected to because valves 411 and 451 show a symbol typically representing a power source, suggestion to change to valve symbol. FIG. 2 has been amended and a Replacement Sheet for FIG. 2 is attached hereto.

In light of the above amendments, Applicants submit that the drawings are now compliant under 37 CFR 1.83(a). According, reconsideration and withdrawal of the objection to the drawings are respectfully requested.

II. Claims Rejected Under 35 U.S.C. §112

A. Claims 1, 2, 4, 6 and 8-14 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Specifically, the Examiner indicates that the specification does not support “the transfer gas distributor is formed such that the transfer gas cannot be transmitted therethrough,” “with an apex of the outer inclined surface connected to a rear end of a transfer gas transfer line,” and “the transfer gas transfer lineto connect to the apex of the outer inclined surface of the transfer gas distributor, a circumference of the rear end of the transfer gas transfer line including a transfer gas inlet,” as recited in independent Claims 1 and 11.

Applicants submit that the above recited elements are supported by Figure 2 of the present application as originally filed. The Federal Circuit Court held that under proper circumstances, drawings alone may provide sufficient written description (*Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 1565, Fed. Cir. 1991). The proper test for determining the sufficiency of the drawings is whether the drawings conveyed with reasonable clarity to those of ordinary skill that the inventor had, in fact, invented the device recited in the claims (*Id.*). The Examiner indicates that the specification does not support the above elements. However, Figure 2 of the

present application shows a transfer gas transfer line 417 in direct contact with a conic-shaped transfer gas distributor 307. Figure 2 also shows that the circumference of the rear end of the transfer gas transfer line 417 includes a number of holes, which are the transfer gas inlet 418. Since the transfer gas enters the source chamber 300 through the transfer gas inlet 418 (paragraph 54 of the specification as published), the transfer gas cannot be transmitted through the transfer gas distributor. Thus, Applicants submit that Figure 2 provides support for all of the elements recited in independent Claims 1 and 11, as well as their respective dependent claims.

Accordingly, withdrawal of the 35 U.S.C. §112, first paragraph rejection of Claims 1, 2, 4, 6 and 8-14 is respectfully requested.

B. Claims 1, 2, 4, 6 and 8-14 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Specifically, the Examiner indicates the term “connect” in Claims 1 and 11 is unclear. We propose to replace the term “connect to” with “form a direct contact with,” and the term “connected to” with “in direct contact with” as shown in Figure 2 of the originally-filed present application. We also propose to replace the term “several” with “a plurality of” in Claim 14. As such, the claimed subject matter of independent Claims 1 and 11, as well as their respective dependent claims, are clear.

Accordingly, withdrawal of the 35 U.S.C. §112, second paragraph rejection of Claims 1, 2, 4, 6 and 8-14 is respectfully requested.

III. Claims Rejected Under 35 U.S.C. §103(a)

A. Claims 1, 4, 6, 8 and 11-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,789,789 issued to Randive (“Randive”) in view of U.S. Patent No. 6,277,201 issued to Nishikawa (“Nishikawa”).

To establish a *prima facie* case of obviousness, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art.

Applicants submit that the cited references do not disclose the elements of “with an apex of the outer inclined surface in direct contact with a rear end of a transfer gas transfer line” and “the transfer gas transfer line having an elongated shape that longitudinally extends from the transfer gas supply source into the source chamber to form a direct contact with the apex of the outer inclined surface of the transfer gas distributor, a circumference of the rear end of the transfer gas transfer line including a transfer gas inlet,” as recited in independent Claims 1 and 11.

Randive discloses a porous plate 74 that lies on top of the source chamber (Figure 4). The porous plate 74 does not have an elongated shape that longitudinally extends into the source chamber to form a direct contact with the apex of the outer inclined surface of the transfer gas distributor. Rather, the porous plate 74 is extended horizontally across the top of the source chamber. Further, the pores in the porous plate 74 are on the bottom side of the plate. Thus, the pores (the holes of the transfer gas inlet) are not formed at a circumference of the rear end of the transfer gas transfer line.

Nishiwaka is relied on for disclosing a substrate temperature controller and a purging operation. However, Nishiwaka does not disclose the recited structure of the transfer gas transfer line, transfer gas inlet and the transfer gas distributor in Claims 1 and 11.

For at least the foregoing reasons, independent Claims 1 and 11, as well as their respective dependent claims, are non-obvious over the cited references. Accordingly, withdrawal of the rejection of Claims 1, 4, 6, 8, and 11-12 is requested.

B. Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nishiwaka and Randive and further in view of U.S. Patent No. 6,444,039 issued to Nguyen (“Nguyen”).

Claim 2 depends from Claim 1 and incorporates the limitations thereof. Thus, for at least the reasons mentioned above in regard to Claim 1, Nishiwaka and Randive do not teach or suggest each of the elements of Claim 2.

Nguyen does not disclose the structure of the transfer gas transfer line, transfer gas inlet and the transfer gas distributor, as recited in Claim 1. For at least the reasons mentioned above,

the cited references, separately or in combination, do not teach or suggest each of the elements of Claim 2. Accordingly, withdrawal of the rejection of Claim 2 is respectfully requested.

C. Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Randive and Nishiwaka, and taken in further view of U.S. Patent No. 6,439,943 issued to Aoki et al. (“Aoki”).

Claim 9 depends from Claim 1 and incorporates the limitations thereof. Thus, for at least the reasons mentioned above in regard to Claim 1, Randive and Nishiwaka do not teach or suggest each of the elements of Claim 9.

Aoki does not disclose the structure of the transfer gas transfer line, transfer gas inlet and the transfer gas distributor, as recited in Claim 1. Thus, the cited references, separately or in combination, do not teach or suggest each of the elements of Claim 9.

For at least the reasons mentioned above, the cited references, separately or in combination, do not teach or suggest each of the elements of Claim 1 and its dependent Claim 9. Accordingly, withdrawal of the rejection of Claim 9 is respectfully requested.

D. Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Randive, Nishiwaka, and Aoki and further in view of U.S. Patent No. 5,882,416 issued to Van Buskirk (incorrectly cited by the Examiner as being issued to Nguyen) (“Van Buskirk”).

Claim 10 depends on Claim 9, which depends from Claim 1. Thus, for at least the reasons mentioned above in regard to Claims 1 and 9, Randive, Nishiwaka and Aoki do not teach or suggest each of the elements of Claim 10.

Van Buskirk does not disclose the structure of the transfer gas transfer line, transfer gas inlet and the transfer gas distributor, as recited in Claim 1. Thus, the cited references, separately or in combination, do not teach or suggest each of the elements of Claim 10.

For at least the reasons mentioned above, the cited references, separately or in combination, do not teach or suggest each of the elements of Claim 1 and its dependent Claim 10. Accordingly, withdrawal of the rejection of Claim 10 is respectfully requested.

E. Claims 13 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Randive and Nishiwaka, further in view of Aoki, and U.S. Publication No. 2003/0180458 of Sneh (“Sneh”).

Claims 13 and 14 depend on Claim 11 and incorporate the limitations thereof. Thus, for at least the reasons mentioned above, Randive, Nishiwaka and Aoki do not teach or suggest each of the elements of Claims 13 and 14.

Sneh does not disclose the structure of the transfer gas transfer line, transfer gas inlet and the transfer gas distributor, as recited in Claim 11. Thus, the cited references, separately or in combination, do not teach or suggest each of the elements of Claims 13 and 14.

For at least the reasons mentioned above, the cited references, separately or in combination, do not teach or suggest each of the elements of Claim 11 and its dependent Claims 13 and 14. Accordingly, withdrawal of the rejection of Claims 13 and 14 is respectfully requested.


CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: April 20, 2009

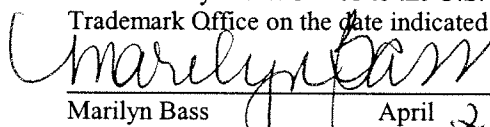


Eric S. Hyman, Reg. No. 30,139

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(310) 207-3800

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited electronically via EFS-Web to the U.S. Patent & Trademark Office on the date indicated below.



Marilyn Bass

April 21, 2009